

### **REMARKS**

Prior to entry of this paper, Claims 1-43 were pending. In this paper, Claims 1, 12, 16-17, 19-29, 34, and 40-41 are amended; no claims are cancelled or added. Claims 1-43 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-2, 6-7, 9, 16-18, 20, 22-26, 28-29, 31-32, and 40-41 are rejected under Buckley (US 2003/0139193). Applicants respectfully traverse this rejection.

Applicants respectfully maintain that Buckley does not disclose “receiving a first message at a first server and receiving an alert at a second server, wherein the first and second servers are different servers,” as recited in at least Claim 1.

First, Buckley does not teach or suggest separate servers for receiving an alert at a second server. The office action suggests that Buckley’s “data available SMS message to be transmitted to the destination wireless device” from the hub anticipates the alert. See Buckley, paragraph 0029. However, the data available message disclosed by Buckley is sent *from the hub to the wireless device*. The alert, as claimed, in part, by at least Claim 1, alerts the *second server* that a message is available for the mobile device, not the mobile device itself.

Buckley’s data request message also does not anticipate either the Applicants’ alert or first message. Instead, Buckley teaches that its “hub receives a data request message at an HTTP server. The data message request includes the digital data and the destination wireless device’s identifier. The NMC or hub stores the data at a database server.” Assuming, for argument sake only, that the data request message anticipates the alert (which the Applicants deny), Buckley teaches sending both the data request message and the digital data *to the same hub*. Buckley’s hub

may then store the digital data at another server. However, the digital data is initially received at Buckley's hub. This is not the same as recited in at least Claim 1, where the alert is received at one server and the first message is received at another server.

Therefore, for at least these reasons, Buckley's request does not anticipate nor render obvious at least Claim 1. Claim 1 is thus in condition for allowance, and should be allowed to issue.

Further, the digital data disclosed by Buckley does not relate to the claimed first message. Buckley introduces the digital data as being included in a message, not as being a message itself. "The data message request *includes the digital data* ... The NMC or hub *stores the data*." Emphasis added; See Buckley, paragraph 0029. Buckley later describes that "the invoked application (of the destination wireless device) then receives the data message and processes the data file." See Buckley, paragraph 0033. It is clear that the digital data, here referred to as the data file, is *not* the data message. The digital data appears to be included *within* the data message. Since the digital data is included within a message, it is not a message itself. Therefore, since the digital data is not a message, it cannot relate to the claimed first message.

Further, regarding Claim 1, the data transmit request message of Buckley does not relate to the Applicants' first message. As claimed, the first message is formatted and *sent to the mobile browser*. Buckley does not appear to teach or suggest anywhere sending its data transmit request message to the wireless device. Instead a "hub receives a data request message at an HTTP server. The data request message includes the digital data and the destination wireless device's identifier. The NMC or hub stores the data at a database server and generates a uniform resource locator ("URL") address for the data within the database server." See Buckley, paragraph 29. The data transmit request message, here also referred by Buckley to as simply the data request message, appears to be sent only to the hub and not to the wireless device. In fact, the digital data is removed from the data transmit request message to be stored at a server. Buckley does not appear to disclose anywhere also storing the entire data transmit request message. Therefore, the data transmit request message cannot be sent to the wireless device, as Applicants' first message is sent to the mobile browser, since it is not saved in its entirety. Instead, it is dissected for its content: the digital data.

Thus, since the data transmit request message is not sent to the mobile browser, as is the Applicants' first message, it cannot relate to the claimed first message.

In addition, the data transmit message does not relate to the Applicants' first message. The data transmit message is generated at the hub, includes the digital data, and is sent to the destination wireless device. "The invoked application (of the destination wireless device) then receives the data message and processes the data file." See Buckley, paragraph 33. The data transmit message cannot be the claimed first message since it is *generated* at the hub and *includes* a portion of the data transmit request message, the digital data. The data transmit message is *not* the original message available for the mobile device. Therefore, the data transmit message cannot relate to the claimed first message.

Therefore Buckley does not transmit the first message to the destination wireless device. Instead, Buckley transmits a fourth message, the data transmit message, which is not the first message. Nor does it include the first message. For at least this reason, Buckley does not anticipate nor render obvious Claim 1. Claim 1 is thus in condition for allowance, and should be allowed to issue.

Buckley also does not teach or suggest employing a message hook to access the first message. Instead, Buckley teaches that the "data request message includes the digital data and the destination wireless device's identifier. The NMC or hub stores the data at a database server and generates a uniform resource locator ("URL") address for the data within the database server." See Buckley, paragraph 29. See Buckley, paragraph 29. As shown above, the data is the digital data included *within* the data request message (a.k.a. data transmit request message) and is not the data request message itself. Therefore, the Buckley's URL points to the digital data of the data transmit request message. It does not point to the data transmit request message itself. Therefore, Buckley does not teach or suggest a message hook to access the first message, since the URL of Buckley accesses data *within* a message, not the message itself. For at least this reason, Buckley does not anticipate nor render obvious Claim 1. Claim 1 is thus allowable over the prior art references. Applicants respectfully request that the rejection be withdrawn.

Further, Buckley does not teach or suggest formatting the first message to be readable by a mobile browser. As shown above, Buckley does not send any first message to the mobile browser. Instead, Buckley generates a new message, the data transmit message, to be sent to the mobile browser. While the data transmit message may *include* the digital data originally sent within the data transmit request message, neither the original data transmit request message nor the digital data are formatted for the mobile browser. The original data transmit request message is not sent to the mobile browser, as discussed above, and so would not be formatted.

Regarding the digital data, as disclosed, the application on Buckley's wireless device formats the digital data (here referred to as the data message file) *after* the message is received. "For example, when the data message *file* represents a picture *the invoked application may convert* the data message file into a picture displayed on a screen of the destination wireless device." Emphasis added; See Buckley, paragraph 0033. As described by Buckley, the invoked application is located on the destination wireless device. Because the digital data is formatted by the destination wireless device's application *after* receipt, it would not be converted prior to sending. Moreover, if Buckley were to convert the data prior to sending it to the wireless device as proposed by the Office Action, then such actions would render Buckley's wireless device's application's conversion actions meaningless. However, because Buckley's application is disclosed as performing the conversion, such conversion is not performed explicitly nor inherently as argued prior to transmission. Therefore, it is neither taught nor suggested by Buckley that the *digital data* is converted *prior* to being sent to the destination wireless device.

Independent Claims 16, 23, 29, 34, and 40 recite similar, albeit different, limitations to Claim 1. At least for the reasons recited above for Claim 1, independent Claims 16, 23, 29, 34, and 40 should also be in condition for allowance. Additionally, dependent Claims 2-15, 17-22, 24-28, 30-33, 35-39, and 41-43 are allowable for at least the same reasons as independent Claims 1, 16, 23, 29, 34, and 40 upon which they depend.

**Claim Rejections – 35 U.S.C. § 103**

Claims 3-4, 8, 10, 19, 21, 27, and 33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Archer (US 6,122,485). Claims 5, 11, 14, 30, and 34-36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Bern et al. (US 6,898,422). Claims 12-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Corrigan et al. (WO 03/030474). Claims 37-39 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Bern et al. (US 6,898,422) as applied to claim 34 above, and in further view of Archer (US 6,122,485). Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Bern et al. (US 6,898,422) as applied to claim 1 above, and further in view of Bengtsson et al. (U.S. 6,865,191). Claim 42 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Bachner, III et al. (US 2005/0037787). Claim 43 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Buckley (US 2003/0139193) in view of Wells et al. (US 6,078,820).


Applicants respectfully traverse these rejections. Claims 1-15, 17-22, 24-28, 30-33, 35-39, and 41-43 depend from Claims 1, 16, 23, 29, 34, and 40 which have been argued above as allowable. Therefore, Claims 1-15, 17-22, 24-28, 30-33, 35-39, and 41-43 should also be allowable for substantially similar reasons as Claims 1, 16, 23, 29, 34, and 40.

**CONCLUSION**

It is respectfully submitted that each of the presently pending claims (Claims 1-43) are in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

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